

### **REMARKS**

Claims 1-17 are pending in the application.

Claims 16 and 17 are withdrawn from consideration.

Claim 13 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 is amended taking into consideration the Examiner comments. Withdrawal of the rejection is requested.

Claims 1-15 are rejected under 35 USC 102(a) as being anticipated by Miyashita (U.S. Pub. No. 2001-014876).

### **IN THE DRAWINGS**

Figures 10 and 11 are amended to include the legend --Prior Art--.

One Drawing Replacement Sheet for FIG. 7, including an Annotated Sheet thereof, is submitted herein to correct a typographical error, namely changing the phrase "closet advertisement tenant" to "~~elaset~~closest advertisement tenant." For example, page 13, lines 27-32 and page 14, lines 11-25 support the correction.

Entry and approval of the Drawing Replacement Sheets is respectfully requested.

Withdrawal of the drawing objections is requested.

### **PRIOR ART REJECTION**

Claims 1-15 are rejected under 35 USC 102(a) as being anticipated by Miyashita (U.S. Pub. No. 2001-014876). However, Miyashita (US Publication no. 2001-014876) is not a valid prior art against the above-identified application, because the effective filing date of the present Application of December 15, 2000 is before the effective US filing date of Miyashita of February 9, 2001. Further, regarding Miyashita's foreign filing date, please see *In re Hilmer* doctrine, 359 F.2d 859, 149 USPQ 480 (CCPA 1966) - MPEP 2163.03.

Further, Miyashita does not qualify as prior art under 35 USC 102(a), because nothing has been cited that Miyashita was patented or published before the filing date of the present application of December 15, 2000. For example, Japanese priority application no. 2000-38864 of Miyashita was published on August 24, 2001 as publication no. 2001-229283, which is after

the effective filing date of December 15, 2000 of the present application.

Withdrawal of the rejection and allowance of the claims is requested.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

Date: \_\_\_\_October 21, 2008\_\_\_\_ By: \_\_\_\_\_  
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<b>AMENDMENT FEE TRANSMITTAL</b>		Attorney Docket No.	1359.1031		
		Application Number	09/736,374		
		Filing Date	December 15, 2000		
		First Named Inventor	Masatoshi ARAI et al.		
		Group Art Unit	3691		
AMOUNT ENCLOSED		Examiner Name	Campen, Kelly Scaggs		
<b>FEE CALCULATION (fees effective 10/02/08)</b>					
CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	17	20 =	0	X \$ 52.00 =	\$ 0.00
INDEPENDENT CLAIMS	3	3 =	0	X \$ 220.00 =	0.00
Since an Official Action set an <u>original</u> due date of <u>October 21, 2008</u> , no extension of time fees are due:					
If Notice of Appeal is enclosed, add (\$540.00)					
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$140.00)					
Information Disclosure Statement (Rule 1.17(p)) (\$180.00)					
Total of above Calculations =					\$ 0.00
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					
<b>TOTAL FEES DUE =</b>					<b>\$ 0.00</b>
(1) If entry (1) is less than entry (2), entry (3) is "0". (2) If entry (2) is less than 20, change entry (2) to "20". (4) If entry (4) is less than entry (5), entry (6) is "0". (5) If entry (5) is less than 3, change entry (5) to "3".					
<b>METHOD OF PAYMENT</b>					
<input type="checkbox"/> Check enclosed as payment. <input type="checkbox"/> Charge "TOTAL FEES DUE" to the Deposit Account No. below. <input checked="" type="checkbox"/> No payment is enclosed.					
<b>GENERAL AUTHORIZATION</b>					
<input checked="" type="checkbox"/> If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to: Deposit Account No. <span style="border: 1px solid black; padding: 2px;">19-3935</span> Deposit Account Name <span style="border: 1px solid black; padding: 2px;">STAAS &amp; HALSEY LLP</span>					
<input checked="" type="checkbox"/> The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.					
SUBMITTED BY: STAAS & HALSEY LLP					
Typed Name	Mehdi D. Sheikerz			Reg. No.	41,307
Signature	/Mehdi D. Sheikerz/			Date	October 21, 2008